

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CR-169-BO

UNITED STATES OF AMERICA)

v.)

GERALD WAYNE TIMMS)


ORDER

This matter is before the Court on defense counsel's notice of potential conflict, which has been sealed. [DE 34]. The government's response, also filed under seal, identifies a very serious potential conflict. [DE 37]. For the reasons identified in the government's response and in light of the early stage of these proceedings, the Court grants the government's motion to avoid any appearance of conflict. *See United States v. Williams*, 81 F.3d 1321, 1324 (4th Cir. 1996). As the Supreme Court has noted, the Sixth Amendment right to counsel is about ensuring the fairness and integrity of the process rather than vindicating a defendant's desire for a particular lawyer. *Wheat v. United States*, 486 U.S. 153, 159 (1988).

CONCLUSION

For the foregoing reasons, defense counsel is DISQUALIFIED from representing defendant. For good cause shown, the government's motion to seal [DE 36] also is GRANTED. The Clerk of Court is DIRECTED to serve a copy of this order on defendant, counsel for the government and defendant, and the Office of the Federal Public Defender so that new counsel may appointed.

SO ORDERED, this 21 day of September, 2015.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE